UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA **Alexandria Division**

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) Case No. 1:16-CV-332 (TSE/MSN)
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MOTION TO DISMISS BY DEFENDANT DAVID S. RICE

Defendant David S. Rice, by counsel and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, respectfully moves this Court for an order dismissing Counts I, IV, V, and VI as those counts are pleaded against Mr. Rice. As grounds for this relief, Mr. Rice refers to his Brief in Support of this Motion, filed contemporaneously herewith.

By: /s/ Michael J. Lorenger Dated: May 25, 2016

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Counsel for Defendant David Samuel Rice

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of May, 2016, I filed the foregoing MOTION TO DISMISS BY DEFENDANT DAVID S. RICE with the Court's electronic filing system, which will effect notice on counsel of record:

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<u>|s|Michael J. Lorenger</u>

Michael J. Lorenger